

and arbitrary interpretation of the definition. Many seniors have found themselves virtual prisoners in their homes, threatened with loss of coverage if they attend adult day care, weekly religious services, or even visit family members in the hospital. This makes no sense because all of these activities are steps on the road to successful and healthy recovery. Often, health professionals want patients to get outside for fresh air or exercise, as part of their care plan. This helps fight off depression.

Seniors deserve a more consistent standard to depend upon, rather than a completely arbitrary number of absences from the home. In April 1999, Secretary of Health and Human Services Donna Shalala sent a report to Congress on the homebound definition. The report identifies the wide variety in interpretation of the definition and the absurdity of some coverage determinations that follow. While the Administration unfortunately stopped short of taking action themselves, Shalala did propose that a clarification of the definition is needed to improve uniformity of determination.

The Homebound Clarification Act states that eligibility of an individual depends on the condition of the patient, how "taxing" it is for the patient to leave home. It strikes the clause that states: "that absences of the individual from home are infrequent or of relatively short duration, or are attributable to the need to receive medical treatment." This is consistent with the intent of Congress and the Administration. This will not open the door to wider coverage of home health, but rather protect coverage for those who need it.

We ask that seniors put their trust in the Medicare program. We are responsible for making sure that the Medicare program lives up to its promise and that home health will be available to those who need it. Once again, I would like to thank my cosponsors, Senators REED and LEAHY for their work. We look forward to working with the rest of Congress to turn this legislation into law.●

By Mr. L. CHAFEE (for himself and Ms. SNOWE):

S. 2299. A bill to amend title XIX of the Social Security Act to continue State Medicaid disproportionate share hospital (DSH) allotments for fiscal year 2001 at the levels for fiscal year 2000; to the Committee on Finance.

THE MEDICAID DSH PRESERVATION ACT OF 2000

Mr. L. CHAFEE. Mr. President, I am pleased to be joined today by Senator SNOWE in introducing the Medicaid DSH Preservation Act of 2000. This legislation will freeze Medicaid disproportionate share hospital (DSH) reductions at Fiscal Year 2000 levels, thereby mitigating the forthcoming reductions in Fiscal Years 2001 and 2002. This bill will also provide a growth rate adjust-

ment to help compensate for the increases in the cost of providing care to the most needy and indigent patients.

In addition to the Medicare payment reductions in the Balanced Budget Act of 1997 (BBA), federal payments to the Medicaid DSH program were also reduced by \$10.4 billion over 5 years, with these reductions being absorbed by States and our Nation's vulnerable safety net hospitals. Medicaid DSH payments help reimburse hospitals' costs of treating Medicaid patients, particularly those with complex medical needs. These payments also make it possible for communities to care for the uninsured—a population that is projected to increase considerably during the next few years.

The impact of these financial pressures was not fully anticipated at the time the BBA was enacted. Other Financial pressures such as declining Medicaid enrollment have had a significant impact on these safety net hospitals, thereby adding to the rapidly rising number of Americans without health insurance. At a time when our Nation's uninsured rate continues to climb above 44 million, it makes little sense to be reducing much-needed Medicaid DSH payments to our nation's safety net hospitals.

Hospitals in Rhode Island will absorb \$400 million in reductions as a result of changes made to the Medicare and Medicaid programs in the BBA. Ten out of fourteen hospitals in my State had operating losses in 1999. After the BBA was enacted, it was predicted that cuts in federal Medicare and Medicaid payments would cost hospitals in Rhode Island \$220 million over 5 years; however, this estimate has proven to be about \$180 million off the mark. Every other State is experiencing similar problems. Since the BBA was signed into law, the American Hospital Association commissioned a study by the Lewin Group, which estimated that there would be \$71 billion less paid to hospitals nationwide over 5 years. The original estimate of the impact of the BBA was \$18 billion. While the Balanced Budget Refinement Act of 1999 provided some relief to our Nation's financially strapped hospitals, that relief was targeted to the Medicare program. Clearly, more needs to be done to keep our vulnerable safety net hospitals from continuing on this downward spiral.

This legislation we are introducing today represents a commonsense compromise that will help prevent the further erosion of our Nation's safety net hospitals and the long-term viability of our country's health care system.

I urge my colleagues to join me in supporting this important legislation and I ask unanimous consent that the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2299

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicaid DSH Preservation Act of 2000".

#### SEC. 2. CONTINUATION OF MEDICAID DSH ALLOTMENTS AT FISCAL YEAR 2000 LEVELS FOR FISCAL YEAR 2001.

Section 1923(f) of the Social Security Act (42 U.S.C. 1396r-4(f)), as amended by section 601 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999, as enacted into law by section 1000(a)(6) of Public Law 106-113 (113 Stat. 1501A-394), is amended—

(1) in paragraph (2)—

(A) in the heading, by striking "2002" and inserting "2001";

(B) in the matter preceding the table, by striking "2002" and inserting "2001"; and

(C) in the table in such paragraph, by striking the column labeled "FY 02" relating to fiscal year 2002; and

(2) in paragraph (3)—

(A) in the heading, by striking "2003" and inserting "2002"; and

(B) in subparagraph (A), by striking "2003" and inserting "2002".●

#### ADDITIONAL COSPONSORS

S. 59

At the request of Mr. THOMPSON, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 59, a bill to provide Government-wide accounting of regulatory costs and benefits, and for other purposes.

S. 210

At the request of Mr. MOYNIHAN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 210, a bill to establish a medical education trust fund, and for other purposes.

S. 512

At the request of Mr. GORTON, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 512, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the Department of Health and Human Services with respect to research on autism.

S. 818

At the request of Mr. DEWINE, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. 818, a bill to require the Secretary of Health and Human Services to conduct a study of the mortality and adverse outcome rates of medicare patients related to the provision of anesthesia services.

S. 873

At the request of Mr. DURBIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 873, a bill to close the United States Army School of the Americas.

S. 890

At the request of Mr. WELLSTONE, the name of the Senator from California

(Mrs. FEINSTEIN) was added as a cosponsor of S. 890, a bill to facilitate the naturalization of aliens who served with special guerrilla units or irregular forces in Laos.

S. 931

At the request of Mr. MCCONNELL, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 931, a bill to provide for the protection of the flag of the United States, and for other purposes.

S. 1037

At the request of Mrs. BOXER, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1037, a bill to amend the Toxic Substances Control Act to provide for a gradual reduction in the use of methyl tertiary butyl ether, and for other purposes.

S. 1180

At the request of Mr. HELMS, his name was withdrawn as a cosponsor of S. 1180, a bill to amend the Elementary and Secondary Education Act of 1965, to reauthorize and make improvements to that Act, and for other purposes.

S. 1196

At the request of Mr. COVERDELL, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1196, a bill to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes.

S. 1361

At the request of Mr. STEVENS, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1361, a bill to amend the Earthquake Hazards Reduction Act of 1977 to provide for an expanded Federal program of hazard mitigation, relief, and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions, and for other purposes.

S. 1558

At the request of Mr. BAUCUS, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Virginia (Mr. ROBB) were added as cosponsors of S. 1558, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit for holders of Community Open Space bonds the proceeds of which are used for qualified environmental infrastructure projects, and for other purposes.

S. 1810

At the request of Mrs. MURRAY, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1810, a bill to amend title 38, United States Code, to clarify and improve veterans' claims and appellate procedures.

S. 1858

At the request of Mr. BREAUX, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1858, a bill to revitalize the

international competitiveness of the United States-flag maritime industry through tax relief.

S. 1900

At the request of Mr. LAUTENBERG, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1900, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

S. 1938

At the request of Mr. CRAIG, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1938, a bill to provide for the return of fair and reasonable fees to the Federal Government for the use and occupancy of National Forest System land under the recreation residence program, and for other purposes.

S. 1969

At the request of Mr. CRAIG, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1969, a bill to provide for improved management of, and increases accountability for, outfitted activities by which the public gains access to and occupancy and use of Federal land, and for other purposes.

S. 2003

At the request of Mr. JOHNSON, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 2003, a bill to restore health care coverage to retired members of the uniformed services.

S. 2018

At the request of Mrs. HUTCHISON, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Nebraska (Mr. HAGEL), and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2046

At the request of Mr. FRIST, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2046, a bill to reauthorize the Next Generation Internet Act, and for other purposes.

S. 2068

At the request of Mr. GREGG, the names of the Senator from Nevada (Mr. REID), the Senator from South Carolina (Mr. THURMOND), and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 2068, a bill to prohibit the Federal Communications Commission from establishing rules authorizing the operation of new, low power FM radio stations.

S. 2070

At the request of Mr. FITZGERALD, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Nevada (Mr. BRYAN) were added as co-

sponsors of S. 2070, a bill to improve safety standards for child restraints in motor vehicles.

S. 2132

At the request of Mr. KERRY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2132, a bill to create incentives for private sector research related to developing vaccines against widespread diseases and ensure that such vaccines are affordable and widely distributed.

S. 2181

At the request of Mr. BINGAMAN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2181, a bill to amend the Land and Water Conservation Fund Act to provide full funding for the Land and Water Conservation Fund, and to provide dedicated funding for other conservation programs, including coastal stewardship, wildlife habitat protection, State and local park and open space preservation, historic preservation, forestry conservation programs, and youth conservation corps; and for other purposes.

S. 2215

At the request of Mr. HUTCHINSON, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 2215, a bill to clarify the treatment of nonprofit entities as noncommercial educational or public broadcast stations under the Communications Act of 1934.

S. 2255

At the request of Mr. MCCAIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2255, a bill to amend the Internet Tax Freedom Act to extend the moratorium through calendar year 2006.

S. 2277

At the request of Mr. ROTH, the names of the Senator from Alaska (Mr. MURKOWSKI), the Senator from Wyoming (Mr. THOMAS), the Senator from California (Mrs. FEINSTEIN), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Montana (Mr. BAUCUS), the Senator from Nebraska (Mr. HAGEL), the Senator from Minnesota (Mr. GRAMS), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 2277, a bill to terminate the application of title IV of the Trade Act of 1974 with respect to the People's Republic of China.

S. 2281

At the request of Mr. SMITH of New Hampshire, the names of the Senator from Arkansas (Mr. HUTCHINSON) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 2281, a bill to name the United States Army missile range at Kwajalein Atoll in the Marshall Islands for former President Ronald Reagan.

S. 2284

At the request of Mr. KENNEDY, the name of the Senator from Maryland

(Ms. MIKULSKI) was added as a cosponsor of S. 2284, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. CON. RES. 69

At the request of Ms. SNOWE, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. Con. Res. 69, a concurrent resolution requesting that the United States Postal Service issue a commemorative postal stamp honoring the 200th anniversary of the naval shipyard system.

S. CON. RES. 98

At the request of Mr. DEWINE, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Nebraska (Mr. HAGEL), and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. Con. Res. 98, a concurrent resolution urging compliance with the Hague Convention on the Civil Aspects of International Child Abduction.

S. RES. 87

At the request of Mr. DURBIN, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. Res. 87, a resolution commemorating the 60th Anniversary of the International Visitors Program.

S. RES. 253

At the request of Mr. SPECTER, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. Res. 253, a resolution to express the sense of the Senate that the Federal investment in biomedical research should be increased by \$2,700,000,000 in fiscal year 2001.

S. RES. 271

At the request of Mr. WELLSTONE, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. Res. 271, a resolution regarding the human rights situation in the People's Republic of China.

#### AMENDMENTS SUBMITTED

#### CONSTITUTIONAL AMENDMENT PROHIBITING THE DESECRATION OF THE FLAG

#### MCCONNELL (AND OTHERS) AMENDMENT NO. 2889

Mr. MCCONNELL (for himself, Mr. BINGAMAN, Mr. BENNETT, Mr. CONRAD, Mr. DORGAN, Mr. DODD, Mr. TORRICELLI, Mr. BYRD, and Mr. LIEBERMAN) proposed the following amendment to the joint resolution (S.J. Res. 14) proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States; as follows:

Strike all after the resolving clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Flag Protection and Free Speech Act of 1999".

#### SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—  
(1) the flag of the United States is a unique symbol of national unity and represents the values of liberty, justice, and equality that make this Nation an example of freedom unmatched throughout the world;

(2) the Bill of Rights is a guarantee of those freedoms and should not be amended in a manner that could be interpreted to restrict freedom, a course that is regularly resorted to by authoritarian governments which fear freedom and not by free and democratic nations;

(3) abuse of the flag of the United States causes more than pain and distress to the overwhelming majority of the American people and may amount to fighting words or a direct threat to the physical and emotional well-being of individuals at whom the threat is targeted; and

(4) destruction of the flag of the United States can be intended to incite a violent response rather than make a political statement and such conduct is outside the protections afforded by the first amendment of the Constitution.

(b) PURPOSE.—The purpose of this Act is to provide the maximum protection against the use of the flag of the United States to promote violence while respecting the liberties that it symbolizes.

#### SEC. 3. PROTECTION OF THE FLAG OF THE UNITED STATES AGAINST USE FOR PROMOTING VIOLENCE.

(a) IN GENERAL.—Section 700 of title 18, United States Code, is amended to read as follows:

#### "§ 700. Incitement; damage or destruction of property involving the flag of the United States

"(a) DEFINITION OF FLAG OF THE UNITED STATES.—In this section, the term 'flag of the United States' means any flag of the United States, or any part thereof, made of any substance, in any size, in a form that is commonly displayed as a flag and that would be taken to be a flag by the reasonable observer.

"(b) ACTIONS PROMOTING VIOLENCE.—Any person who destroys or damages a flag of the United States with the primary purpose and intent to incite or produce imminent violence or a breach of the peace, and under circumstances in which the person knows that it is reasonably likely to produce imminent violence or a breach of the peace, shall be fined not more than \$100,000, imprisoned not more than 1 year, or both.

"(c) DAMAGING A FLAG BELONGING TO THE UNITED STATES.—Any person who steals or knowingly converts to his or her use, or to the use of another, a flag of the United States belonging to the United States, and who intentionally destroys or damages that flag, shall be fined not more than 2 years, or both.

"(d) DAMAGING A FLAG OF ANOTHER ON FEDERAL LAND.—Any person who, within any lands reserved for the use of the United States, or under the exclusive or concurrent jurisdiction of the United States, steals or knowingly converts to his or her use, or to the use of another, a flag of the United States belonging to another person, and who intentionally destroys or damages that flag, shall be fined not more than \$250,000, imprisoned not more than 2 years, or both.

"(e) CONSTRUCTION.—Nothing in this section shall be construed to indicate an intent on the part of Congress to deprive any State,

territory, or possession of the United States, or the Commonwealth of Puerto Rico of jurisdiction over any offense over which it would have jurisdiction in the absence of this section."

(b) CLERICAL AMENDMENT.—The analysis for chapter 33 of title 18, United States Code, is amended by striking the item relating to section 700 and inserting the following:

"700. Incitement; damage or destruction of property involving the flag of the United States."

#### HOLLINGS (AND OTHERS) AMENDMENT NO. 2890

Mr. HOLLINGS (for himself, Mr. SPECTER, and Mr. REID) proposed the following amendment to the joint resolution, S.J. Res. 14, supra; as follows:

On page 2, line 4, strike beginning with "article" through line 10 and insert the following: "articles are proposed as amendments to the Constitution of the United States, either or both of which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within 7 years after the date of submission for ratification."

"Article —

"SECTION 1. Congress shall have power to set reasonable limits on the amount of contributions that may be accepted by, and the amount of expenditures that may be made by, in support of, or in opposition to, a candidate for nomination for election to, or for election to, Federal office.

"SECTION 2. A State shall have power to set reasonable limits on the amount of contributions that may be accepted by, and the amount of expenditures that may be made by, in support of, or in opposition to, a candidate for nomination for election to, or for election to, State or local office.

"SECTION 3. Congress shall have power to implement and enforce this article by appropriate legislation.

"Article —".

#### AUTHORITY FOR COMMITTEE TO MEET

##### SPECIAL COMMITTEE ON AGING

Mr. GRAMS. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on March 27, 2000, from 2 p.m.-4:30 p.m. in Dirksen 562 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRIVILEGE OF THE FLOOR

Mr. DORGAN. Mr. President, I ask unanimous consent that Theresa Mullin be allowed floor privileges during my speech today.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CONTINUATION OF FEDERAL WATER POLLUTION CONTROL ACT REPORTS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate